



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4867

Introduced 01/19/06, by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

New Act

Creates the Textbook Pricing and Access Act. Requires publishers of textbooks to make certain price disclosures to faculty members at institutions of higher learning with whom the publisher is in discussion. Requires faculty members to provide a written statement to each publisher or college bookstore placing an order for textbooks that details (i) the textbook required for the faculty member's course and (ii) the earliest edition of the textbook that may be purchased for a particular course. Restricts the manner in which textbooks and supplemental learning materials may be bundled by the publisher or college bookstore. Requires a college bookstore to make available a listing of all textbooks and supplemental learning materials required for courses taught during each term and to post that listing on its web site or in a non-restricted area at the college bookstore. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Textbook Pricing and Access Act.

6 Section 2. Purpose and intent. It is the policy of the
7 State of Illinois that any institution of higher learning
8 receiving money from the State must work to find ways to
9 decrease the cost of textbooks. The sharp increase in the price
10 of textbooks along with new and unseemly packaging tactics
11 threaten the opportunity for some to have a chance at higher
12 education and put an even greater burden on the families of
13 students to financially support their loved ones. The purpose
14 of this Act is to help ensure that every student taking part in
15 higher education is offered better access to affordable
16 textbooks.

17 Section 5. Definitions.

18 "Bundled" means a textbook and any other learning material,
19 including, but not limited to, workbooks, dictionaries,
20 cd-roms, or books, packaged together to be sold for one price.

21 "College bookstore" means any store that is in the business
22 of selling textbooks on the campus of or in the near vicinity
23 of an institution of higher learning in Illinois.

24 "Institution of higher learning" means the term as it is
25 defined in Section 10 of the Higher Education Student
26 Assistance Act.

27 "Publisher" means any publishing house, publishing firm,
28 or publishing company that publishes printed material.

29 "Required textbook" means any textbook that is required
30 reading for a course, as determined by the faculty member
31 charged with teaching that course.

1 "Supplemental learning material" means learning materials
2 that supplement the primary textbook, that come in the form of
3 another book, a workbook, or a cd-rom, and that can be used by
4 a faculty member or a student during the teaching of a course.

5 Section 10. Textbook bundling; publisher disclosure.

6 (a) No institution of higher learning shall have business
7 dealings relating to the sale of textbooks with any publisher
8 that is in violation of this Act.

9 (b) Any publisher engaging in a discussion relating to the
10 sale of any textbook with any faculty member at an institution
11 of higher learning must disclose to the faculty member, in
12 writing, the price of all textbooks presented to the faculty
13 member at the time of the offering.

14 (c) Any publisher engaging in a discussion relating to the
15 sale of any supplemental learning materials with a faculty
16 member at an institution of higher learning must disclose to
17 the faculty member, in writing, the price of all supplemental
18 learning materials at the time of the offering.

19 (d) Any publisher engaging in a discussion with a faculty
20 member of an institution of higher learning relating to the
21 sale of any supplemental learning materials that are offered to
22 be bundled with a textbook shall disclose to the faculty
23 member, in writing, the total price of the bundled materials to
24 the faculty member at the time of the offering.

25 Section 15. Faculty specificity for textbooks.

26 (a) Any faculty member or entity in charge of selecting
27 textbooks for courses taught at an institution of higher
28 learning must provide a written statement to each publisher or
29 college bookstore placing an order for textbooks, detailing the
30 textbooks or supplemental learning materials that are required
31 for each course and any textbooks or supplementary learning
32 materials that are recommended for the course.

33 (b) Any faculty member or entity charged with selecting
34 textbooks for courses must provide a written statement to the

1 publisher or college bookstore placing the order for textbooks,
2 indicating the earliest edition of any required textbook that
3 may be purchased by a student for a particular course. Nothing
4 in this Act shall prohibit a faculty member from requiring the
5 most recent edition of a textbook.

6 Section 20. Bundling restrictions.

7 (a) A publisher may bundle together a required textbook and
8 any other required textbook or required supplemental learning
9 material.

10 (b) Any college bookstore or faculty member that places an
11 order with a publisher for any required textbook or required
12 supplemental learning material bundled with any textbook or
13 supplemental learning material that is not required must also
14 order the required textbook in unbundled form. The college
15 bookstore or faculty member must order at least the same
16 quantity of unbundled textbooks as it orders of the same
17 textbook in a bundled form, except that if, after an initial
18 shipment of bundled and unbundled textbooks are made to a
19 college bookstore, it is determined by both the publisher and
20 the college bookstore that there is a disproportionate need for
21 either bundled or unbundled textbooks, the requirement for
22 equal quantity does not apply.

23 Section 25. Notice to purchase. All college bookstores
24 must make available, with reasonable expediency after the
25 information becomes available, a listing of all textbooks and
26 supplemental learning materials that are required for courses
27 taught during each term. The list shall include the
28 International Standard Book Number for each textbook. The
29 college bookstore shall publish the listing on its Internet web
30 site or, if no web site exists, must post the listing in
31 writing in a non-restricted area at the college bookstore.

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.